

**ANAYSIS OF THE STAFFING REQUIREMENTS  
OF NFPA 1710**

**EXECUTIVE LEADERSHIP**

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*Appendices Not Included. Please visit the Learning Resource Center on the Web at <http://www.lrc.fema.gov/> to learn how to obtain this report in its entirety through Interlibrary Loan.*

## **ABSTRACT**

The purpose of this project was two-fold. The first purpose was to formulate a position statement for the Utah State Fire Chiefs Association (USFCA) on NFPA 1710. The second purpose was to research the staffing requirements and to determine the fiscal impact on the Murray City Fire Department.

The problem was that the impact of the new standard was unknown. Evaluative research was used to address the following research questions:

1. What is the position of the Utah State Fire Chiefs Association in support or opposition to the standard NFPA 1710?
2. What are the major staffing requirements of NFPA 1710?
3. What is the potential fiscal impact of adherence to the NFPA 1710 staffing standards by the Murray City Fire Department?
4. Will the Murray City Fire Department be required to comply with the staffing requirements of NFPA 1710?

In addition to literature review, the procedures included the development and distribution of a survey (ballot) to poll USFCA membership.

An analysis of the NFPA staffing standards was to determine the fiscal impact. An evaluation of OSHA regulations was used to determine if there would be a requirement for compliance.

The results were that the USFCA membership took a position in opposition to 1710.

Other results determined that meeting the staffing requirements of 1710 would require an additional \$555,282 per year in personnel costs to Murray City. There was no evidence found that compliance will be mandatory at the present time.

The recommendations resulting from this research included (a) the USFCA be more diligent and timely in dealing with important issues; (b) that Murray Fire Department administration initiate a process of working toward the goals of 1710 as a “benchmark” for the department; (c) that the department perform a more complete analysis of the standard to identify other areas of deficiency; and (d) the department seek revenue from additional sources.

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## INTRODUCTION

The issue of firefighter staffing on apparatus is an extremely important matter, one that can also be controversial. Determination of the level of fire protection for a community is complex, and several factors affect that level. The demographics of a community, the ability of the community to fund services (tax base and other revenue streams), and the desire of the citizens (how much they are willing to pay for a given level of service) are a few of the considerations. In most communities, the local fire chief provides the technical expertise and the local elected officials (or district board) set funding levels for the department.

A few years ago, the National Fire Protection Association (NFPA) formed a technical committee to promulgate a standard on fire and emergency service organization and deployment. This process evolved into the drafting of two standards; *NFPA 1710 – Standard for the Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*; and *NFPA 1720- Standard for the Organization and Deployment of Fire Suppression, Emergency Medical Operations and Special Operations to the Public by Volunteer Departments*.

The deadline for public comments on these standards was October 6, 2000 and the final draft of the documents was published on March 30, 2001. On May 16, 2001, the NFPA general membership, including approximately 2,600 members of the International Association of Firefighters (IAFF) voted overwhelmingly to support the standards. The NFPA Standards Council met on

July 10, 2001, to review the standards and hear any appeals. The Standards Council issued both documents as standards approximately one week later.

The problem created is that the impact of the new standard, NFPA 1710, is unknown. Will this create a financial impact for the city and the fire department to deal with? Is there a requirement or even an expectation that these standards be met? NFPA 1710 creates standards for “substantially career” fire departments. The Murray City Fire Department is a small (52 total members) “substantially career” fire department, and falls under the scope of NFPA 1710.

The purpose of this research is two-fold. The first purpose is to formulate a position statement on NFPA 1710 for the Utah State Fire Chiefs Association, to be presented to the Western Fire Chiefs *NFPA 1710 Forum* in Anaheim, California in May of 2001 (this project was initiated prior to the passage of NFPA 1710). The second purpose is to research the staffing requirements of NFPA 1710 and to evaluate the potential impact on the Murray City Fire Department.

An evaluative research will be used to collect and analyze data to address the following research questions:

5. What is the position of the Utah State Fire Chiefs Association in support or opposition to the standard NFPA 1710?
6. What are the major staffing requirements of NFPA 1710?
7. What is the potential fiscal impact of adherence to the NFPA 1710 staffing standards by the Murray City Fire Department?
8. Will the Murray City Fire Department be required to comply with the staffing requirements of NFPA 1710?

## **BACKGROUND AND SIGNIFICANCE**

The Murray City Fire Department began as an all-volunteer fire department in 1906, organized to provide fire protection to a thriving mining and smelting community. As the city of Murray grew and developed, so did its fire department. In the mid-1960's, Murray's first full-time firefighter was hired and a second fire station was constructed. By the mid-1970's a core of two full-time firefighters were on duty 24-hours a day, supplemented by volunteer forces who were called by telephone to respond from their homes. Over the next decade, as emergency medical services and other "non-traditional" services became a significant part of the fire service, more and more full-time firefighters were hired and reliance on volunteer (or paid-on-call) personnel diminished. Today the Murray City Fire Department is a "substantially career" department with only one remaining part-time firefighter and a small cadet corp.

During the course of transition from a volunteer organization to a career organization, the department has worked closely with the elected officials and public works officials to constantly upgrade the level of fire protection as the city can afford to pay. A master plan is in place for the water system that provides upgrades for fire flow in areas identified as deficient. This is a long-term plan because water system upgrades are extremely costly. In 1984 the city built a third fire station to meet the demands of the city's growing west side residential population and to address the need for a fire station on both sides of the railroad tracks and interstate highway that bisects the city. The fire department joined a regional 911-dispatch center in 1988 to improve our communications system.



The city currently has a rating from the Insurance Services Office (ISO) of class four (4).

The concern of the fire department administration and of city officials is that there may be an impact in the passage of a “one-size-fit’s-all” standard such as NFPA 1710 on the local planning and control of the fire service in Murray City. One concern is the potential pressure to meet the suppression standards may be at the expense of fire prevention funding. Murray City has a more restrictive fire sprinkler ordinance than the statewide code mandates. This was initiated in an effort to control fires in more buildings with automatic technology rather than the more expensive traditional manpower required to maintain large fire flows.

While the fire department has enjoyed tremendous community support over the years, it is a very costly department for the city to fund (second only to police). The city leaders view the fire department as drain on city resources (although a very necessary one), so efficiency and cost-effectiveness is expected.

The evaluation of the potential impacts of NFPA 1710 on the Murray City Fire Department as well participation in developing a position statement for the Utah State Fire Chiefs Association is relevant to the *Managing Multiple Roles* module as well as the *Being in Transition* module of the *Executive Leadership* course taught and reinforced at the National Fire Academy.

## LITERATURE REVIEW

The literature review was conducted using fire service trade journals, reference books, and Internet searches. The specific topic of NFPA 1710 is a recent issue and literature relating specifically to that standard is somewhat limited.

The major single component of NFPA 1710 that seems to generate the most controversy is the minimum staffing requirement. Manning (2000) observes that “it’s 1710’s hot button issues - apparatus staffing and response times – that have fire department managers across the nation in an uproar” (p.4).

Coleman (2000) provides an overview of the staffing requirements of NFPA 1710 in this summary:

In my words, the standard calls for the arrival of the entire first alarm complement within eight minutes from the initial receipt of the call. This section requires 13 members on the initial full alarm response as follows:

- 1 member- incident commander (IC).
- 4 members- one attack line (flowing 100 gpm) and one backup line (flowing 200 gpm); each staffed by two firefighters.
- 2 members- support for each attack and backup line.
- 2 members- search.
- 2 members- ventilation.
- 2 members- rapid intervention team (RIT) (p.22).

Not all published authors agree on what the staffing requirements of NFPA 1710 are. Manning (2000), for example states “NFPA 1710 does attempt to

tackle this vital issue, setting at 14 the minimum of personnel required for a full first-alarm assignment. This number may be right; it may be wrong. It is open for debate” (p. 4).

Bruno (2001) sees it different then Coleman or Manning, reporting:

The standard calls for a first-alarm response of 15 firefighters for a structure fire. This includes an incident commander, a pump operator plus personnel to stretch and operate one attack and one backup line, while others perform search and rescue, ventilation, and two stand by as the rapid intervention team (p.14).

Whatever the number, the International Association of Fire Chiefs (ICHIEFS) board of directors voted to support NFPA 1710 in December 2000. ICHIEFS President Mike Brown (2001) explained the reason for the support by saying:

ICHIEFS supports NFPA 1710 as a benchmark for the fire and emergency services, to assist in improving our service to the citizens we serve. Every profession requires standards to operate at a satisfactory level and to establish benchmarks for future progress. This industry is no different. NFPA 1710 can help fire departments work toward a common ground: shared measurements that can gauge performance measures and provide realistic data to help improve services. Consider this standard a tool that fire chiefs can use to serve their citizens (p.24).

But not everyone is enthusiastic about NFPA 1710. The International City/County Management Association (ICMA) President Bruce Romer (2001) indicates that:

ICMA members oppose NFPA 1710 because it creates a de facto “one-size-fits-all” mandate on local governments. ICMA members recognize that there are many approaches for achieving public safety goals and each locality should retain authority to determine the approaches that best serve the interests of that community (p.1).

ICMA (1988) has taken the position that “community fire protection calls for a variety of goals and objectives (or parameters), including... number of suppression personnel constituting a first alarm assignment... (and) type of staffing arrangements, especially for suppression services” (pp. 101-102).

There are some in the fire service that join ICMA in opposition to NFPA 1710. For example, Phillip Green, who is the fire chief in Fort Walton Beach, Florida, opposes the standard. Green (2001) states that:

I have watched with great concern as NFPA 1710 has made its way through the code adoption process. Though it has been heralded as the latest cure all for safety in the fire service, I believe that the effect will be devastating for the fire service and those of us in leadership positions. Every day I deal with decisions that affect the lives of the 22,000 people that our fire department protects. If the present trend continues, I no longer will have control over those decisions (p.3).

Bruno (2001) sees NFPA 1710 as a positive document, observing, “the IAFC and the IAFF were determined to work out their differences and come up with a standard that would improve firefighter safety and delivery of fire-rescue services” (p.14)

While ICMA strongly opposes the new NFPA 1710 standard, its own widely accepted publication, *Managing Fire Services* (ICMA, 1988) presents data concerning staffing requirements that are in line with the NFPA standard:

Various controlled and statistically based experiments by some cities and universities reveal that if about sixteen trained firefighters are not operating at the scene of a working fire within the critical time period, then dollar loss and injuries are significantly increased, as are the square feet of fire spread (p. 119).

## **PROCEDURES**

On April 4, 2001 this researcher met with the executive board of the Utah State Fire Chiefs Association (USFCA) with the purpose of obtaining a position statement on NFPA 1710. As the representative to the Western Fire Chiefs Association (WFCA) board of directors, it was the intent to have a position to take to the WFCA annual conference in Anaheim, California being held in conjunction with the NFPA conference May 12 – 16. Following a lengthy discussion at that meeting, the board of directors could not reach a consensus on a position, and decided that it would be best to take a vote of the general membership.

This researcher then met one-on-one with the USFCA secretary, Chief George Sumner of Bountiful, Utah, to develop a survey or ballot to be used to

send to the USFCA membership. As we discussed the format for the survey instrument, it was decided that it would be in our best interest to make the survey as brief and easy to fill out as possible. The survey would simply ask the respondent to check whether the Utah State Fire Chiefs Association should or should not support NFPA 1710. A space was provided for comments. The survey was prepared on USFCA letterhead and sent over the signature of Chief Sumner with a brief letter of explanation (see Appendix A). Along with the survey, each member was sent a copy of the proposed standard, a copy of an opinion (pro) by ICHIEFs (see Appendix B) and a copy of an opinion (con) by ICMA (see Appendix C). The respondents were asked to return the survey by April 13, 2001.

There are approximately 100 fire departments in Utah, but at the time of the survey, only 49 chief officers were members of USFCA. Because deputy and battalion chiefs are eligible for membership, some departments have more than one vote, since each member was sent a survey. Only chief officers who were members of the association were sent a survey. Of the 49 surveys sent, 19 were returned by the deadline and one was returned late. All 20 (40.8% of the total sent) of the returned surveys are included in the results of this project.

Another component of the procedures of this research involves the potential impact of the NFPA 1710 staffing requirements. The procedure used in this component consisted of a study of the staffing requirements in NFPA 1710, a study of current staffing of the Murray City Fire Department, and a comparison of

the difference, or a “gap analysis.” Current staffing and salaries were used in making the determination of the impact of compliance.

The next component is the question of whether or not compliance would be required of the new standard. The procedure used to address this question included literature review, a search of the Occupational Safety and Health Administration (OSHA) website, along with phone calls to the Utah Labor Commission (who is responsible for the State Occupational Health plan) and to Federal OSHA.

### **Limitations**

The limitations of this research were that many of the chiefs surveyed did not understand or had limited knowledge of NFPA 1710. In fact, many of the survey respondents are chiefs of volunteer or combination departments to which NFPA 1710 does not apply.

Also a limitation is the fact that only staffing issues were considered in this research. There are other components of NFPA 1710, such as response times, that have a potential impact on fire departments.

A further limitation is that NFPA 1710 is such a new document that there is not a great deal of reliable information yet available on the subject.

### **Definition of Terms**

Apparatus. A motorized vehicle (or multiple vehicles) designed and built for fire suppression, rescue or other specialized function.

Gap Analysis. A determination of status quo of an individual, group, or organization along with a determination of a desired goal or state of the same

individual, group or organization, and a determination of what steps, methods, or resources are needed to eliminate the difference between the two.

Rapid Intervention Team (RIT). A team or crew of firefighters assigned to be ready to rescue other firefighters at a fire scene if they should become trapped or lost. Also known as a Rapid Intervention Crew (RIC) or Initial Rapid Intervention Crew (IRIC).

Substantially Career. A fire department that relies mainly upon full-time paid firefighters to provide fire protection services, not relying on volunteers or paid-on-call personnel.

Quint. An apparatus equipped with a fire pump, a water tank, fire hose storage, and aerial device with a waterway, and a complement of ground ladders.

## **RESULTS**

Of the 49 surveys distributed for this research, 20 were returned (40.8%). Of the 20 that responded, the vote was 16 in opposition to the standard (80%) with four in favor (20%). A summary of comments included with the surveys in opposition to NFPA 1710 can be found in Appendix D. A summary of comments included with the surveys in favor of NFPA 1710 can be found in Appendix E.

The Utah fire departments that responded to the survey are Bountiful City, Cedar City, Lehi City, Long Valley Fire Department, Midvale City, Morgan City, Murray City, North View Fire Department, Pleasant Grove City, Ogden City, Provo City, Roy City (2 votes), Salem City, Smithsonian (Southeastern Service District) Fire Department, South Davis Fire District, South Jordan City, Wasatch County, Weber County, and West Jordan City.



It is interesting to note that two chief officers from Roy City voted, one in favor and one in opposition to the standard.

While the results of the voting was 80% in opposition to NFPA 1710, resulting in a position of opposition by the USFCA (see position letter in Appendix F), a closer look at the survey responses is in order. Fourteen of the survey respondents are members of a volunteer or combination fire department and are not subject to NFPA 1710, but rather NFPA 1720 (which is not addressed in this project). In analysis of the six respondents that are subject to NFPA 1710, four voted against and two voted in support of the standard. While the outcome of the vote is the same, the margin is not as wide (2/3 or 66.6%).

In regards to the staffing requirements, an analysis of NFPA 1710, *Chapter 5 Fire Department Services* was conducted and the major requirements compiled as shown in Table 1. The requirements were compared to the current operation of the Murray City Fire Department to determine if the department is currently in compliance, partially in compliance, or not in compliance.

Current minimum staffing levels on apparatus in the Murray City Fire Department are set at three per apparatus. Full staffing allows for four firefighters on each apparatus plus a battalion chief. Vacations, sick leave, and training take individuals out of service approximately 72% of the time, leaving at least one company short handed.

This researcher interprets the minimum staffing requirement of NFPA 1710 on the initial alarm as 14 unless an aerial device is in operation, in which case the minimum is 15. This is shown in Table 2.

Table 1.

**Compliance With NFPA 1710 Staffing Requirements**

<b>Staffing Requirement</b>	<b>Complies</b>	<b>Partially Complies</b>	<b>Does Not Comply</b>	<b>Notes</b>
Each company shall be lead by an officer who shall be considered part of the company.	X			
Chief officers shall be dispatched to respond to all full alarm assignments.	X			
Chief Officers shall have staff aides deployed to them for purposes of incident management and accountability.			X	
Engine companies shall be staffed with a minimum of four on-duty personnel.		X		1
Quint companies shall be staffed with a minimum of four on-duty personnel.		X		
A minimum of one individual dedicated to incident command.	X			
A minimum of 14 personnel on initial assignment, or 15 if aerial operations are utilized.		X		1, 2

## Notes:

1. Complies at full shift staffing (15). When any member is on vacation or sick leave, company does not comply. Full compliance is only obtained approximately 28% of the time.
2. Staff aides are not assigned until an individual is available on scene. This is not likely until additional units are dispatched (automatic or mutual aid).

In order to meet the minimum staffing, the Murray City Fire Department will need to add an additional firefighter to each of the three companies in the city, and set minimum staffing at four per company. In addition, a new position of staff aide will need to be created.

The addition of one firefighter per company will require the Murray City Fire Department to employ nine additional firefighters (three per shift). In addition, three aide positions (one per shift) will need to be employed. An alternative to the aide position would be to assign an off-duty person to “on-call” status and pay stand-by time, plus overtime for any call back.

Table 2.

**Minimum Staffing on Initial Alarm**

<b>Description</b>	<b>Number of Personnel</b>
Incident Commander (IC)	1
Aide to Incident Commander	1
Initial Attack Line	2
Initial Back-up Line	2
Support Person	1
Search and Rescue Team	2
Ventilation Team	2
Initial Rapid Intervention Team	2
Pump Operator	1
Aerial Operator (If in operation)	1
<b>TOTAL</b>	<b>15</b>

Utilizing the mid-range firefighter pay scale, and funding the staff aide at mid-range captain scale, the fiscal impact of staffing is \$555,282 per year, as illustrated in Table 3. This figure addresses only personnel costs, and not other ancillary costs, such as personal protective clothing and equipment, which would add approximately \$20,000 the first year. This also does not address the impact on facilities, such as dormitory equipment and space (beds, chairs, and kitchenware) that will need to be provided for the additional personnel. It is likely that a significant remodel of station 2 would need to be done to accommodate the additional personnel.

The current overall budget of the Murray City Fire Department is \$4,422,700. The increase of \$555,282 to comply with NFPA 1710 staffing would represent an increase of 12.5% in the overall budget, this at a time when city revenues are increasing at approximately 1.5% per year. A tax increase or

significant cuts in other departments would be required to make this increase a reality.

Table 3.

**Additional Annual Personnel Costs for NFPA 1710 Staffing**

Position	Annual Salary	Annual Benefits	Total Salary & Benefits	Number of Positions Needed	Extended Totals
Firefighter	38,610	15,444	54,064	9	\$486,486
Staff Aide	49,140	19,656	68,796	1	68,796
<b>TOTAL</b>					<b>\$555,282</b>

Also in question in this project is whether a substantially career fire department, such as Murray City Fire Department, will be required to meet the requirements of NFPA 1710. On May 31, 2001 this researcher placed a telephone call to the Utah Labor Commission and spoke to Mr. Mark Vandover concerning the Utah Administrative Code regarding Utah's occupational safety plan. Mr. Vandover stated that the state of Utah has not adopted any NFPA standards into law that he is aware of, but encouraged me to contact federal Occupational Safety and Health Administration (OSHA) officials to see if any had been adopted at that level (M. Vandover, personal communication, May 31, 2001).

The results of the research with federal OSHA were as follows. On June 1, 2001, the issue was discussed with Mary Ann Peretti at the OSHA office in Washington, DC. Ms. Peretti was unaware of NFPA standards adopted as OSHA standards, however she suggested conversing with Mike Moore in the OSHA Office of Safety Standards (M. Peretti, personal communication, June 1, 2001).

Mr. Moore was contacted on June 27, 2001. He indicated that when the Occupational Safety and Health (OSH) Act was enacted in 1970, some NFPA “hardware standards” and the National Electrical Code were adopted with the original act, but to his knowledge, no NFPA standards have been adopted in their entirety since that time. Mr. Moore advised that the original adoption of the standards was allowed without any public comment, but adoption of new standards requires a public comment period. He referred to section 6 of the OSH Act for further information on the standard adoption process (M. Moore, personal communication, June 27, 2001).

A search of section 6 of the OSH Act, *Occupational Safety and Health Standards*, revealed the process for enacting a new OSHA rule. The act states that:

Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health and Human Services, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act (OSHA, 1970).

It appears that there is no process or mechanism in place that will require the Murray City Fire Department to comply with the new standard at this time. There is, however, a process that could require the standard be imposed at a later time at the federal, state, or local level.

## **DISCUSSION**

In attempting to develop a position on NFPA 1710 for the USFCA, it became apparent during the process that many of the members did not have a great deal of understanding of the standard, including this researcher. It appears that many of the survey respondents chose not to support the standard due to varying levels of ignorance. It is human nature to oppose what one does not understand. Some were under obligation from their own city officials to oppose the standard, since ICMA strongly opposes it. The positive side is that city officials and fire officials are now talking about fire department staffing. ICHIEF Executive Director Gary Briese (2001) in speaking of the ICMA and ICHIEFS states, "while our organizations may have to agree to disagree on this issue, this dialogue has been very positive and has helped improve relations" (p. 24).

There is apparently apathy in the State of Utah concerning 1710. Only six fire departments that fall under the scope of the standard bothered to reply to the survey. There are at least eight other substantially career fire departments in the USFCA that did not respond. The two largest departments in the state, Salt Lake County and Salt Lake City did not respond to the survey.

The main points of opposition for those that responded centered on the loss of "local control" and the cost of staffing. These are very real issues to fire

chiefs that have to walk the tightrope between government politics and service delivery.

Although the official position of the USFCA is in opposition to NFPA 1710, it is hardly a mandate for four out of six department (with eight abstaining) to oppose the standard.

Regarding the staffing requirements of 1710, a four-person company is not a new concept. NFPA has promoted four-member staffing for some time. The staffing practices recommended by NFPA (1997) prior to the 1710 standard advocated community assessment, but recommended four-hand staffing, stating, “communities must assess their needs to determine the level of staffing that meets their requirements. However, it has been demonstrated that when staffing falls below four firefighters per company, fireground effectiveness may be compromised” (p. 10-22).

NFPA also recognized the burden of high personnel costs placed on small cities in meeting these staffing recommendations, especially in communities where population densities are low. These communities “may respond with only three persons on duty, and ladder trucks with only two” (p. 10-23). However, NFPA also addressed the need for an appropriate number of personnel on scene for firefighting operations:

Such low levels of staffing should be backed up promptly to ensure adequate personnel by off-shift or call personnel or by multiple alarm response. In some cases, additional apparatus may be assigned to respond, offsetting deficient company strength. In general, however, each

engine company should have a minimum of four firefighters on duty, including an officer (p. 10-23).

What has changed with NFPA 1710 is that staffing issues are not considered “in a vacuum.” In other words, staffing per unit has been addressed along with response times and minimum number of firefighters at the scene. This prevents a community that wishes to comply from closing fire stations to shift personnel to other companies if response times are negatively impacted (response times were not considered in this project).

The goals of NFPA 1710 are noble, but the reality is that funding a fire department is a major expense for a community. The standards in 1710 make an ambitious goal for small fire departments, such as Murray City Fire Department, to work towards. Brown (2001) advises “this standard should be viewed as a resource for fire chiefs and municipal leaders in developing strategies for the future of public safety within their communities” (p. 24).

The fiscal impact of NFPA 1710 is one that could not be absorbed into the city’s budget all at once. The economy is beginning to slow and sales tax revenues, which the city of Murray relies heavily on, are fairly flat. A projected 1.5% increase in revenues for the next two quarters does not cover the built-in cost increases, such as cost of living increases, merit raises, fuel increases, and others, let alone adding 10 additional personnel.

Also in question in this project is whether a substantially career fire department, such as Murray City Fire Department, will be required to meet the



requirements of NFPA 1710. Brown (2001) recommends “using NFPA 1710 as the future benchmark for fire and emergency services” (p.2).

Yet many in the fire service hope, and many others fear, that adherence to NFPA 1710 will become a requirement. Rukavina (2001) doesn’t believe that fire departments will be required to comply, stating:

I’m not aware of any state with a law that requires adoption of any new standard. In fact, such a law would probably be considered an unconstitutional delegation of powers; courts would frown on a legislature that authorized automatic adoption of any standard without at least some public review (p.76).

However, Rukavina also makes note of the fact that NFPA standards are widely accepted as a “fire service standard of behavior,” stating:

NFPA standards are among those that would be cited as representative of a fire service standard of behavior, so if the local fire department’s own standard was different – or, as is more often the case, the local fire department had no standard – the injured person would argue that a relevant NFPA standard should be admitted into evidence so the jury can “benchmark” the fire departments act or omission against the relevant NFPA standard to help it make a decision (p.78).

It is realistic to believe that one or more of the organizations that are in strong support of this standard could make a concerted effort to have 1710 adopted as a rule by OSHA. Rukavina explains, “Federal OSHA rules do apply to local government employees, including firefighters.” He also notes that the

workplace be “free from ‘recognized hazards’ that cause (or are likely to cause) death or serious injury to workers” (p.79).

This researcher believes that it would be a “stretch” to convince OSHA that non-compliance of NFPA 1710 would likely cause death or serious injury to workers, especially after the public comment period. It is not out of the question, however.

Whether required or not, whether union or non-union, there is a certain expectation among members of the fire service that fire department leaders will strive towards meeting national standards. This has been the case with NFPA 1500, *Standard on Fire Department Occupational Safety and Health Program*. While not required, compliance to at least some of NFPA 1500 has been the goal of fire departments since it was adopted. There will be a certain level of expectation by members of the Murray City Fire Department that adherence to NFPA 1710 be at least a future goal to work towards.

### **RECOMMENDATIONS**

It is the recommendation of this researcher that the voting members of the USFCA set the position of the organization on NFPA 1710 (the position of opposition was taken to the WFCA and NFPA conferences). However, it is recommended that future issues be studied in more depth by the executive board and every effort made to disseminate accurate information on issues of importance, and to do so in a timely manner that allows the association to take a position and make a difference before it is really too late. It is recommended that the executive board be more proactive in issues both statewide and nationally.

It is further recommended that the Murray City Fire Department administration initiate a process of educating the Murray City Officials on the requirements of NFPA 1710, highlighting the reasons for the standard, and initiate a plan in which the city can begin to work towards the standard as a “benchmark” for the department. The department needs to treat the document “unofficially” as though it were a requirement, and work towards that end, resulting in a more effective service organization for the public.

It is recommended that the Murray City Fire Department perform a complete analysis of the standard, including response times, to discover what other areas the department may be deficient. A self-accreditation program would be worthwhile to participate in as well, as it may be more applicable than the 1710 standards and defensible as equivalent.

Because funding is a major issue in meeting this standard, it is recommended that the fire department seek revenue streams other than the city general fund to provide some supplemental funding and to show a “good faith effort” to city officials. One of the potential revenue sources could be the initiation of an ambulance service and another could be recovery fees for haz mat calls (both are topics for additional research!).

The International Association of Fire Chiefs is producing an implementation decision guide to help fire chiefs implement 1710 that will be available in late August. It is recommended that the administration of the Murray City Fire Department obtain a copy of the guide and make use of it as appropriate.

Maintaining a positive relationship and, perhaps more importantly, a constant dialogue with city officials in educating them in the importance of meeting the standard should pay dividends in the long run. It may be in the best interest of the fire chief, however, to not be as candid as Bruno (2001) who states:

It's ironic that the people who caused the problem are now attempting to block the solution. There would be no need for 1710 if these same officials had not failed in their responsibility to provide the proper level of fire and EMS protection (p. 20).

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